

DATE OF DETERMINATION	31 March 2021
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow and Penny Holloway
APOLOGIES	Angela Jones
DECLARATIONS OF INTEREST	Cr Vanessa Ekins and Cr Neil Marks declared conflicts of interest because, as elected councilors, they have been involved in including the project in Council's delivery plan.

Papers circulated electronically on 18 March 2021.

MATTER DETERMINED

PPSNTH-59 – Lismore City Council – DA20/247 at 144 Magellan St, Lismore – Oakes Oval and Crozier Field Re-Development (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

1. The proposal is permissible in the RE1 Public Recreation zone and consistent with relevant zone objectives.
2. The proposal will enhance and enable better use of valuable public recreation facilities.
3. The proposal, subject to the conditions imposed and the draft Operational Management Plan, will function without causing unacceptable impacts on neighbours, the local road network and parking facilities, and the built and natural environments generally.
4. For the reasons given above approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the supplementary council assessment report with the following condition added:



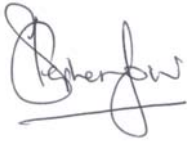
In locations where works involve excavation to depths greater than two metres sampling an analysis of representative materials encountered at or below this depth is to be undertaken prior to any construction works occurring. The analysis is to determine if any waste materials or other contaminants are present. Any required sampling and analysis plans, and subsequent interpretation of analytical results are to be undertaken by a suitably qualified contaminated land specialist retained by Council or the construction contractor. If contaminants are found, the specialist is to recommend any necessary remediation or WHS measures that are to be adopted either prior to or during construction works and these recommendations are to be implemented by the construction contractor to the satisfaction of Council's Environmental Health Officer.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- That the need for the development has not been substantiated and therefore the development is not in the public interest

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Hollloway
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-59 – Lismore City Council – DA20/247
2	PROPOSED DEVELOPMENT	Alterations and additions to a recreational facility (major) comprising the upgrading of two grandstands (Gordon and Crozier Pavilions), and a new Oakes Oval Grandstand
3	STREET ADDRESS	144 Magellan St, Lismore
4	APPLICANT/OWNER	Lismore City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land Lismore Local Environmental Plan YYYY Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Lismore Development Control Plan <ul style="list-style-type: none"> Part A Chapter 7 – Off Street Carparking Chapter 8 – Flood Prone Lands Chapter 9 – Signage Chapter 13 – Crime Prevention through Environmental Design Chapter 15 – Waste Management Plan Chapter 22 – Water Sensitive Design Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 16 February 2021 Supplementary Council assessment report: 17 March 2021
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 24 February 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Craig Bradridge and Chris Watts Applicant Briefing: 24 February 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Craig Bradridge and Chris Watts <u>Applicant representatives</u>: Steven Dillon, Luke Blandford and Brett Lee <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p>

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 25 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Penny Holloway <u>Council assessment staff</u>: Craig Bradridge, Matt Kelly, Rodney Mallam and Lucas Myers
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report